REMARKS/ARGUMENTS

Claims 61, 63, 64, 68, 69, 76, 77, 80-84 and 86 are pending in this application and stand rejected on various grounds. Claims 1-60, 62, 65-67, 70-75, 78, 79 and 85 are cancelled. Claims 61 and 76 are amended, support for which is replete throughout the specification. The amendments and cancellations are made without prejudice and are not to be construed as abandonment of the previously claimed subject matter or agreement with any objection or rejection of record. Applicants explicitly reserve the right to pursue any deleted subject matter in one or more continuing applications.

Withdrawal of Objections and Rejections

Applicants thank the Examiner for withdrawing the rejection of claims 61, 63, 64, 76 and 77 for alleged obviousness over U.S. Patent No. 7,094,566 to Medlock et al.

Claim Rejections under 35 U.S.C. §112

Claims 61, 63-66, 68, 69, 76-84 and 86 have been rejected under 35 U.S.C. §112, first paragraph, for alleged non-enablement. The Examiner states that while the specification is enabling for methods of "...treating a degenerative cartilaginous disorder *associated with* the polypeptide of SEQ ID NO:6 using an antagonist antibody thereto, does not reasonably provide enablement for claims to a method of treating any or all degenerative cartilaginous disorders (regardless of the cause) using said antibody" (Page 3 of the instant Office Action).

While not agreeing with the Examiner's assertion, rather to further prosecution, Applicants have amended the claims to be directed to methods of treating a degenerative cartilaginous disorder associated with the polypeptide of SEQ ID NO:6.

Therefore, Applicants request that the rejection of the claims for alleged non-enablement be withdrawn.

Claims 76-83 have been rejected under 35 U.S.C. §112, first paragraph, for alleged lack of description necessary to convey that Applicants had possession of the claimed invention. It is the position of the Examiner that the specification only discloses antibodies to SEQ ID NO:6, but such is not representative of all variants, disclosed in claim 76, i.e., antibodies that bind a

polypeptide with at least 85% sequence identity to SEQ ID NO:6. Applicants respectfully disagree and traverse.

Applicants draw the Examiner's attention to paragraphs [0192], [0193], [0196] and [0197] of the published application which describe in detail PRO polypeptide variants of the invention and how one skilled in the art could obtain PRO polypeptide sequences with at least 85% sequence identity to polypeptides of the invention. Paragraph [0193], for example, describes the use of the ALIGN-2 program for comparing sequences between two polypeptides, thereby providing a means for identifying polypeptides with at least 85% sequence identity to SEQ ID NO:6. Furthermore, Paragraph [0197] describes another method of determining percent amino acid sequence identity using the NCBI-BLAST2 sequence comparison program. Thus, it would have been obvious to one skilled in the art that the inventors had possession of polypeptides with at least 85% sequence identity to SEQ ID NO:6.

Furthermore, it would have been clear that the inventors also provided sufficient description to show they had possession of antibodies that bind polypeptides with at least 85% sequence identity to SEQ ID NO:6. As the Examiner has pointed out, the specification sufficiently describes antibodies that bind the polypeptide of SEQ ID NO:6, and methods of making antibodies are replete throughout the specification. Thus, it would have been clear to one skilled in the art that, using ALIGN-2 or NCBI-BLAST2 programs and the methods of producing antibodies as described in the specification that the inventors had possession of antibodies that recognized polypeptides with at least 85% sequence identity to SEQ ID NO:6.

Indeed, the Examiner's attention is drawn to "Example 13: Antibodies To A Single Protein" on page 46 of the Written Description Training Materials, Revision 1, March 25, 2008, which states that "...the routine art-recognized method of making antigen-specific antibodies, the adequate description of antigen X...and the fact that antibody technology was well developed and mature, one of skill in the art would have recognized that the disclosure of the adequately described antigen X put the applicant in possession of antibodies which bind to antigen X."

Thus, since an antibody that recognizes polypeptides with at least 85% sequence identity to SEQ ID NO:6 is sufficiently described and the fact that one skilled in the art would have recognized that the specification sufficiently described methods for making antibodies to such

polypeptides, it would have been clear that Applicants had possession of the invention as claimed.

Therefore, the rejection of claims 76, 77, 80-83 should be withdrawn.

Claims Rejections Under 35 U.S.C. § 103(a)

Claims 65, 66, 78 and 79 have been rejected under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 7,094,566 to Medlock et al. for the reasons of record set forth in the Office Action dated August 8, 2008, pages 3 and 4. In addition, the Examiner considered Applicants' previous argument that U.S. provisional application 60/175,481 ('481) filed January 11, 2000 and PCT application PCT/US00/23328 ('328) with an international filing date of August 24, 2000 provided sufficient support for the currently claimed subject matter but found it unpersuasive.

While not agreeing with the Examiner's assertion, rather to further prosecution, Applicants have deleted claims 65, 66, 78 and 79, thereby making this rejection moot.

CONCLUSION

In conclusion, the present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited. Should there be any further issues outstanding, the Examiner is invited to contact the undersigned agent at the telephone number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. **50-4634** (referencing Attorney's Docket No. **GNE-0290.041 / 123851-181748**).

Respectfully submitted,

Date: March 11, 2009

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